

**GUIDELINES FOR LITIGANTS WITHOUT LAWYERS**  
**SOUTHERN DISTRICT OF TEXAS**

1. Introduction

- A. These guidelines are to make persons who represent themselves in lawsuits familiar with some of the rules and procedures which must be followed in the United States District Court for the Southern District of Texas.
- B. Disclaimer. This summary does not take the place of a pro se litigant's responsibility to comply with the Local Rules (L.R.), the Federal Rules of Civil Procedure (Fed.R.Civ.P.) and all other laws. This summary is not legal advice and reliance on it is at your own risk.

2. The Complaint

- A. A civil lawsuit is begun by filing a complaint in the office of the Clerk of the Court. The purpose of the complaint is to give notice to the persons being sued and to the court about the nature of the lawsuit. The complaint must contain:
  - 1. a caption specifying the court in which the suit is brought and names of the parties;
  - 2. a short, plain statement of why the court has jurisdiction;
  - 3. a short, plain statement of the claim that entitles the plaintiff to relief, including a concise statement of the facts;
  - 4. a statement of the particular relief sought; and
  - 5. your signature, address and telephone number.
- B. Pleadings should be simple and direct; technical, legal jargon is not required.
- C. Generally, each statement of claim should be made in separately numbered paragraphs, with each paragraph limited as far as possible to a statement of a single set of facts.
- D. If the basis of your suit is employment discrimination, there is a form attached which you may use for filing your complaint. (Appendix A) If your suit has any other nature, the Original Complaint form attached (Appendix B) may be used to get started.

3. Where to File

- A. Clerk. All papers to be filed must be delivered or mailed to the Clerk's Office. Never send papers directly to the judge.

B. Options. Generally, the suit must be filed in the district where the defendant resides or where the claim arose. In suits based on diversity of citizenship (when the plaintiff and defendant are residents of different states), the suit may be brought in the district where the plaintiff resides (28 U.S.C. §1391).

C. Divisions. There are seven divisions of the Southern District of Texas:

1. Brownsville
  - a. Mail and Delivery: 600 East Harrison Street, Room 101  
Brownsville, TX 78520
  - b. Counties: Cameron and Willacy.
2. Corpus Christi
  - a. Mail and Delivery: 1133 North Shoreline Boulevard  
Corpus Christi, TX 78401
  - b. Counties: Aransas, Bee, Brooks, Duval, Jim Wells, Kenedy, Kleberg, Live Oak, Nueces and San Patricio.
3. Galveston
  - a. Mail: P.O. Box 2300  
Galveston, TX 77553
  - b. Delivery: 601 Rosenberg, Room 411  
Galveston, TX 77550
  - c. Counties: Brazoria, Chambers, Galveston and Matagorda.
4. Houston
  - a. Mail: P.O. Box 61010  
Houston, TX 77208
  - b. Delivery: 515 Rusk, Room 1217  
Houston, TX 77002
  - c. Counties: Austin, Brazos, Colorado, Fayette, Fort Bend, Grimes, Harris, Madison, Montgomery, San Jacinto, Walker, Waller and Wharton.

5. Laredo
  - a. Mail: P.O. Box 597  
Laredo, TX 78042
  - b. Delivery: 1300 Matamoros  
Laredo, TX 78042
  - c. Counties: Jim Hogg, LaSalle, McMullen, Webb and  
Zapata.
6. McAllen
  - a. Mail and Delivery: 1701 West Business Highway 83, Suite 1011  
McAllen, TX 78501
  - b. Counties: Hidalgo and Starr.
7. Victoria
  - a. Mail: P.O. Box 1638  
Victoria, TX 77902
  - b. Delivery: 312 S. Main Street, Room 406  
Victoria, TX 77901
  - c. Counties: Calhoun, De Witt, Goliad, Jackson, Lavaca,  
Refugio and Victoria.

4. Requirements for Filings

- A. The requirements for filing the complaint and all other pleadings are found in LR5 and LR10 as well as Fed.R.Civ.P. 10 and 11. They include
  1. be on 8½" x 11" paper;
  2. be double spaced and paginated;
  3. stapled at the top only;
  4. punched with two holes; and
  5. include the plaintiff's address and telephone number; and
  6. be signed by the plaintiff.
- B. Address. Failure of a litigant to keep the Clerk of the Court informed of his current address and telephone number during the pendency of the lawsuit. (LR83.4)

5. Filing Fees

- A. The fee for filing a civil action is \$150.00. Filing fees must be paid to the Clerk at the time of filing the complaint, unless the Court grants leave to proceed in forma pauperis.

B. In Forma Pauperis:

1. A plaintiff who cannot pay the filing fee and the costs for service may request to proceed in forma pauperis. (Appendix C) The request must be submitted with the complaint and must be accompanied by an affidavit setting forth the plaintiff's financial resources.
2. If leave to proceed in forma pauperis is granted, the plaintiff's suit will be filed without prepayment of the filing fee.
3. If leave to proceed in forma pauperis is denied, you must pay the filing fee for your case (suit) to be filed.

6. Judge's Procedural Manual

At the time a suit is filed, the Intake Section will provide the plaintiff a procedural manual for the judge to whom the case is assigned. The procedural manual contains information about the specific requirements of that particular judge.

7. Scheduling Conference

Also, at the time a suit is filed the following will be provided to the plaintiff:

- A. Order for Conference. This conference will be set within 140 days of the filing of the complaint. At the conference a scheduling order will be signed by the judge which will set deadlines, as well as, a trial date. (L.R. 16.1)
- B. Instructions for the Preparation of the Joint Report of Meeting and Discovery/Case Management Plan under Rule 26(f) Fed.R.Civ.P.

8. Service of Process (Summons)

- A. Issuance of Summons. Upon the filing of a complaint, the plaintiff is responsible for prompt service of the summons and a copy of the complaint on each of the defendants named in the complaint. (Fed.R.Civ.P. 4 and L.R. 4) Failure to serve the summons and complaint within 120 days after filing of the complaint is grounds for dismissal of each party not served.

In addition to the summons, the above mentioned Order for Conference and the Instructions for the Preparation of the Joint Report of Meeting and Discovery/Case Management Plan must be served on all defendants.

A summons must be prepared in duplicate by the plaintiff for each defendant. (Appendix D) In Addition, the plaintiff must submit a copy of the complaint for each defendant at the time the complaint is filed.

The summons must show the time within which the defendant is required to respond to the complaint. All defendants have twenty (20) days, with the exception of the United States which has sixty (60) days to respond. The time runs from the date the defendant is served with the complaint.

The summons will be signed and sealed by the Clerk and returned to the plaintiff together with the copies of the complaint to be served. The plaintiff must then serve the summons and complaint as provided by Fed.R.Civ.P. 4.

To avoid costs, the plaintiff may notify a defendant of the commencement of the action and request that the defendant waive service of a summons. (See Fed.R.Civ.P. 4(d) and Appendices E and F)

When an agency of the United States is named as a defendant, the summons must be served on:

1. the agency named,
2. the Attorney General of the United States in Washington, D.C., and
3. the United States Attorney. It is required that the U.S. Attorney (or an assistant U. S. attorney or clerical employee designated by the U. S. Attorney) for the district in which the action is brought be served by sending a copy of the summons, complaint and other documentation previously mentioned by registered or certified mail addressed to the civil process clerk at the office of the United States Attorney. (See Appendix G for a list of designees and addresses.)

The summons may be served by anyone over 18 years of age, who is not a party to the suit.

- B. Proof of Service. Finally, the plaintiff must return to the court proof that the defendants have been served in accordance with Rule 4(l) of the Federal Rules of Civil Procedure.

If service is not waived, proof of service must be filed with the Clerk. Where service is made other than by mail, proof of service may be made by completing the return on the back of the summons form and returning it to the Clerk.

It is the responsibility of the person serving the summons to prepare and submit the forms showing proof of service once it is made. (Fed.R.Civ.P. 4(l))

Plaintiffs should read Local Rule 4 and Rule 4 of the Federal Rules of Civil Procedure to become thoroughly familiar with the procedures governing service of process.

9. Assignment of Cases

Civil cases are assigned at random to the judges of the district court. Assignments are made so that no party or lawyer may choose which judge will hear the case.

10. The Answer

- A. The defendant in an ordinary civil case will have twenty (20) days from the date of service of the complaint to file an answer. The United States or a federal official will have sixty (60) days.
- B. Just as the plaintiff in the complaint must make a short, plain statement of the claim, the defendant in the answer must state the defenses to the claims and either admit or deny the specific allegations contained in the complaint. (Fed.R.Civ.P. 8(b))
- C. As with all other pleadings, the defendant must file the answer with the Clerk and serve a copy on the opposing party. Failure to answer or otherwise defend in a timely fashion is grounds for judgment by default against the defendant. (Fed.R.Civ.P. 55)

11. Motions against the Complaint

- A. Although most defenses to a complaint must be asserted in the answer, a defendant has the option of asserting certain defenses in the form of a motion to dismiss the complaint before filing an answer. (A motion is an application to the Court asking that the Court take some particular action in the case.)
- B. Motions to dismiss the complaint typically make the following arguments:
  - 1. the Court lacks the power to decide the subject matter of the case or to compel a defendant to appear;
  - 2. service of process was insufficient; or
  - 3. the complaint fails to state a claim which the law will recognize as enforceable. (Fed.R.Civ.P. 12(b))
- C. If such a motion is made, a plaintiff will have twenty (20) days from the date of filing

in which to file a response. It is very important to respond to such motions; otherwise, the Court may assume that the motion is unopposed. (L.R. 7)

12. Motions (Local Rule 7)

As stated above, a motion is an application to the Court asking that the Court take certain action with respect to the conduct of the case.

Unless made orally during a hearing or trial, motions should be in writing, should state the action sought, and should set forth the facts. Motions are the primary way for litigants to ask the Court to take action in a case. They must be filed with the Clerk, and copies must be mailed to all opposing parties (L.R. 5); motions should not be sent directly to the judges.

Every motion must have a statement that the movant has conferred with opposing counsel and was unable to reach an agreement for the disposition of the matters raised in the motion. Failure to comply with this rule may result in the Court striking the motion.

Each party opposing a motion has twenty (20) days from the date of filing of a motion to respond. Failure to respond will be taken as a representation of no opposition.

13. Failure to Pursue the Lawsuit

Once a case has been filed, it is extremely important for a plaintiff to be diligent in pursuing the case. The plaintiff has an obligation to attempt to make the case ready for trial. All parties must make their best efforts to complete discovery into the facts of the case within the time limits and in accordance with the procedures. In addition, a plaintiff must obey all orders of the Court that may issue in the case and must appear for all conferences or hearings which a judge may schedule. Failure to do so is grounds for dismissal or sanctions.

14. Certificate of Service

Every paper sent to the clerk must have at the end a signed statement that you have sent a copy of that paper to all parties in the case. You must, of course, actually send everyone a copy of every paper you file.

15. Court Appointed Attorneys

Motions for the appointment of an attorney are not ordinarily granted, as there are no funds for the payment of their services. However, in some special instances the Court may appoint an attorney for a party.

16. Personnel in the Office of the Clerk

The deputy clerks in the U.S. District Clerk's Office are there to help you; however, there are some things you should note: they will try to assist you, but they are not allowed to complete the forms for you; they are not allowed to make copies for you free of charge; and most importantly, they are not lawyers and can not advise you on legal matters.



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
\_\_\_\_\_ DIVISION

_____	§	
	§	
versus	§	CIVIL ACTION NO. _____
	§	
_____	§	
_____	§	
_____	§	

EMPLOYMENT DISCRIMINATION COMPLAINT

1. This action is brought under Title VII of the Civil Rights act of 1964 for employment discrimination. Jurisdiction is conferred by Title 42 United States Code, Section §2000e-5.

2. The plaintiff is: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

County of Residence: \_\_\_\_\_

3. The defendant is: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

**G** Check here if there are additional defendants. List them on a separate sheet of paper with their complete addresses.

4. The plaintiff has attached to this complaint a copy of the charges filed on \_\_\_\_\_ with the Equal Employment Opportunity Commission.

5. On the date of \_\_\_\_\_, the plaintiff received a Notice of Right to Sue letter issued by the Equal Employment Opportunity Commission; a copy is attached.

6. Because of the plaintiff's:

- (a) **G** race
- (b) **G** color
- (c) **G** sex
- (d) **G** religion
- (e) **G** national origin,

the defendant has:

- (a) **G** failed to employ the plaintiff
- (b) **G** terminated the plaintiff's employment
- (c) **G** failed to promote the plaintiff
- (d) **G** other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. When and how the defendant has discriminated against the plaintiff:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. The plaintiff requests that the defendant be ordered:

- (a) **G** to stop discriminating against the plaintiff
- (b) **G** to employ the plaintiff
- (c) **G** to re-employ the plaintiff
- (d) **G** to promote the plaintiff
- (e) **G** to \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ and that;
- (f) **G** the Court grant other relief, including injunctions, damages, costs and attorney's fees.

\_\_\_\_\_  
(Signature of Plaintiff)

Address:

Telephone:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
\_\_\_\_\_ DIVISION

versus
































CIVIL ACTION NO. \_\_\_\_\_

ORIGINAL COMPLAINT

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HELPFUL ADDRESSES IN THE EVENT THE  
UNITED STATES IS NAMED A DEFENDANT

United States Attorney General  
Department of Justice  
10th and Constitution Ave., N.W.  
Washington, DC 20530

UNITED STATES ATTORNEY'S OFFICE:

Houston/Galveston Division:

Mail: P.O. Box 61129  
Houston, TX 77208

Delivery: 910 Travis, Suite 1500  
Houston, TX 77002

Designated Agents: JoAnn Bohman, Linda Bowen, Felicia Dugas, Peggie Guillory, Patricia Skoff, Marie Southern, Gertrude Nelson, Marianne Bailey, Carrie Patterson, John Fonville.

Brownsville Division:

1001 E. Elizabeth St., Room 105  
Brownsville, TX 78521

Corpus Christi Division:

400 Main, Room 505  
Corpus Christi, TX 78401

Laredo Division:

1300 Matamoros, Room 200  
Laredo, TX 78040

McAllen Division:

1701 W. Highway 83, Suite 858  
McAllen, TX 78501-5159